

Notice of Allowability

Application No.

10/672,828

Examiner

TISHA D. LEWIS

Applicant(s)

PORTER, FRED C.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on June 2, 2004.
2. ☒ The allowed claim(s) is/are 1-5 and 7-15.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

The following is a response to the amendment received on June 2, 2004 which has been entered.

Response to Amendment

Claims 1-5 and 7-15 are pending in the application. Claim 6 has been cancelled.

-The objection to the specification has been withdrawn due to applicant correcting the current status of the parent application.

-The objection to claims 3, 4 and 12 has been withdrawn due to applicant correcting the typographical errors as indicated in the office action mailed on March 3, 2004.

-The 112 2nd rejection of claims 7-15 has been withdrawn due to applicant clarifying in applicant's remarks what the transfer mechanism in the second driveline is referring to in claims 7 and 12.

-The 102(e) rejection of claims 1-4 has been withdrawn due to applicant amending claim 1 with cancelled claim 6 which was rejected under 103(a). Due to applicant filing a statement of common assignee between the present application and the reference 6378682 to Mohan et al used in the 103(a) rejection, this reference is disqualified under 103(c) as prior art and therefore, the 103(a) rejection of claims 5-15 has been withdrawn along with the 102(e) rejection.

-The double patent rejection of claims 1-15 has been withdrawn due to applicant filing a terminal disclaimer.

Allowable Subject Matter

Claims 1-5 and 7-15 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(As to claim 1) a motor vehicle having a primary and secondary driveline wherein the secondary driveline has a hydraulic coupling and a differential assembly in which the coupling has an input member, an output member driving an input member of the differential, a transfer clutch disposed between the input and output members of the coupling, a clutch actuator operating the clutch, a pump controlling fluid to a pressure chamber, and a control valve venting that fluid from the chamber to disengage the clutch in response to an occurrence of either an over pressure or over temperature condition in combination with a biasing clutch limiting a speed difference between output members of the differential.

-(As to claim 7) a motor vehicle having a first and second driveline wherein the second driveline has a transfer mechanism and a drive axle assembly in which the drive axle assembly has an input member driven by the mechanism, an output member, a transfer clutch disposed between the members, a piston for operating the clutch, a pump controlling fluid to a piston chamber, a control valve venting fluid from the chamber in response to an occurrence of either an over pressure or over temperature condition in combination with a second transfer clutch disposed between a differential assembly casing and a differential gearset for limiting a slip between first and second output shafts for a second pair of wheels.

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-(As to claim 12) a motor vehicle having a first and second driveline wherein the second driveline has a transfer mechanism and a drive axle assembly in which the drive axle assembly has an input member driven by the mechanism, an output member, a first transfer clutch disposed between the members, a piston for operating the clutch, a pump controlling fluid to a piston chamber, a control valve venting fluid from the chamber in response to an occurrence of either an over pressure or over temperature condition in combination with a second transfer clutch disposed between a differential assembly casing and a first output shaft and a third transfer clutch disposed between the casing and a second output shaft for limiting a slip between a second pair of drive wheels.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
July 19, 2004


TISHA LEWIS
PRIMARY EXAMINER
Au 3681 7/19/04